



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

DEC 29 2006

CERTIFIED MAIL, 70052570000215846785
RETURN RECEIPT REQUESTED

Mr. Michael L. Menne
Vice President, Environmental Safety & Health
Ameren Services
1901 Chouteau Avenue, MC 602
St. Louis, MO 63103

Re: Peno Creek Energy Center, 163-0047
Permit Number: **OP2006-101**

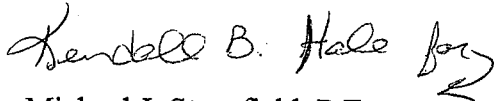
Dear Mr. Menne:

Enclosed with this letter is your Part 70 operating permit and your Title IV Acid Rain permit. Please review these documents carefully. Operation of your installation in accordance with the rules and regulations cited in these documents is necessary for continued compliance. It is very important you read and understand the requirements contained in your permits.

If you have any questions, please contact the Air Pollution Control Program at (573) 751-4817, or write to the Department of Natural Resources, Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102. Thank you for your time and attention.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

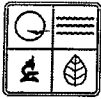


Michael J. Stansfield, P.E.
Operating Permit Unit Chief

MJS: nvk

Enclosures

c: Ms. Tamara Freeman, US EPA Region VII
Ms. Lisa Hanlon, US EPA Region VII
Northeast Regional Office
PAMS File: 2003-04-092 and 2006-03-073



Missouri Department of Natural Resources
Air Pollution Control Program

PART 70

PERMIT TO OPERATE

Under the authority of RSMo 643 and the Federal Clean Air Act the applicant is authorized to operate the air contaminant source(s) described below, in accordance with the laws, rules, and conditions set forth here in.

Operating Permit Number: OP2006-101
Expiration Date: DEC 28 2011
Installation ID: 163-0047
Project Number: 2003-04-092

Installation Name and Address

Peno Creek Energy Center
16303 Pike 43
Bowling Green, MO 63334
Pike County

Parent Company's Name and Address

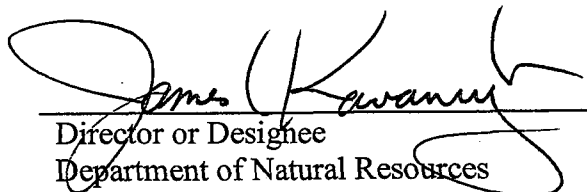
Ameren UE
1901 Chouteau Avenue
PO Box 66149
St. Louis, MO 63166-6149

Installation Description:

This installation generates electrical power for distribution and sale. It is operated as a peaking unit, generating power during periods of high electrical demand. The installation consists of four dual-fuel fired Pratt & Whitney FT8 Twin Pacs, each with the nominal capacity to produce 60 MW of electrical power; total installation generation nominal capacity is 240 MW of electrical power. The turbines combust either pipeline quality natural gas or No. 2 fuel oil. There is also a 1.3 million-gallon fuel oil tank on site. Each Pratt & Whitney FT8 Twin Pac consists of two combustion turbines coupled to a single electrical generator.

DEC 29 2006

Effective Date



Director or Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

This installation generates electrical power for distribution and sale. It is operated as a peaking unit, generating power during periods of high electrical demand. The installation consists of four dual-fuel fired Pratt & Whitney FT8 Twin Pacs, each with the nominal capacity to produce 60 MW of electrical power; total installation nominal generation capacity is 240 MW of electrical power. The turbines combust either pipeline quality natural gas or No. 2 fuel oil. There is also a 1.3 million gallon fuel oil tank on site. Each Pratt & Whitney FT8 Twin Pac consists of two combustion turbines coupled to a single electrical generator. Consequently, there are two (2) combustion sources and two (2) exhaust stacks associated with each turbine set. This installation received a New Source Review (NSR) permit in late 2001, which authorized construction of the installation. It has been in operation, producing electrical power, since calendar year 2002.

The combustion turbines are capable of firing either pipeline quality natural gas or distillate oil. The distillate oil has a sulfur content of 0.05 percent (%) by weight or less. Each combustion turbine is equipped with water injection to control NO_x emissions to 25 parts per million by volume, dry (ppmvd), when combusting natural gas, and 42 ppmvd when combusting distillate oil. Carbon monoxide is controlled by good combustion practices and by a CO catalyst. The CO catalyst has a nominal control efficiency of 80 percent (%) for CO. This installation has the potential to be a major source of PM₁₀, NO_x, VOC, CO, SO_x, and HAPs. However, Ameren UE requested, in the new source review process, that it be conditioned such that potential emissions would not exceed the major source levels.

Reported Air Pollutant Emissions, tons per year							
Year	Particulate Matter ≤ Ten Microns (PM-10)	Sulfur Oxides (SO _x)	Nitrogen Oxides (NO _x)	Volatile Organic Compounds (VOC)	Carbon Monoxide (CO)	Lead (Pb)	Hazardous Air Pollutants (HAPs)
2002	4.86	0.31	31.08	4.13	2.44	-	-
2003	2.63	0.5	19.67	2.13	6.18	-	-
2004	2.12	1.69	78.98	1.38	3.69	-	-
2005	8.83	0.79	72.88	7.76	4.63	-	-

EMISSION UNITS WITH LIMITATIONS

The following list provides a description of the equipment at this installation that emits air pollutants and which are identified as having unit-specific emission limitations.

Emission Unit #	Description of Emission Unit
EU – CT1A	Pratt & Whitney, FT8
EU – CT1B	Pratt & Whitney, FT8
EU – CT2A	Pratt & Whitney, FT8
EU – CT2B	Pratt & Whitney, FT8
EU – CT3A	Pratt & Whitney, FT8
EU – CT3B	Pratt & Whitney, FT8
EU – CT4A	Pratt & Whitney, FT8
EU – CT4B	Pratt & Whitney, FT8

EMISSION UNITS WITHOUT LIMITATIONS

The following list provides a description of the equipment that does not have unit specific limitations at the time of permit issuance.

Description of Emission Source

EU – FOST Distillate Fuel Oil Storage Tank.

DOCUMENTS INCORPORATED BY REFERENCE

These documents have been incorporated by reference into this permit.

- 1) New Source Review Permit #112001-007

II. Plant Wide Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

There are no plant wide emission limitations for this installation.

III. Emission Unit Specific Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

EU – CT1A through EU – CT4B Combustion Turbines			
Emission Unit	General Description	Manufacturer Model #	EIQ Reference (Year)
EU – CT1A EU – CT1B	Combustion Turbine Units 1A and 1B (Simple Cycle) Generating Capacity: 60MW total MHDR: 300 MMBTU/hr each (natural gas combustion) 266 MMBTU/hr each (No. 2 oil combustion) Installation Date: 2001 Fuel Type: Natural Gas and No. 2 Fuel Oil	Pratt & Whitney, FT8 Pratt & Whitney, FT8	CT1 (2003)
EU – CT2A EU – CT2B	Combustion Turbine Units 2A and 2B (Simple Cycle) Generating Capacity: 60MW total MHDR: 300 MMBTU/hr each (natural gas combustion) 266 MMBTU/hr each (No. 2 oil combustion) Installation Date: 2001 Fuel Type: Natural Gas and No. 2 Fuel Oil	Pratt & Whitney, FT8 Pratt & Whitney, FT8	CT1 (2003)
EU – CT3A EU – CT3B	Combustion Turbine Units 3A and 3B (Simple Cycle) Generating Capacity: 60MW total MHDR: 300 MMBTU/hr each (natural gas combustion) 266 MMBTU/hr each (No. 2 oil combustion) Installation Date: 2001 Fuel Type: Natural Gas and No. 2 Fuel Oil	Pratt & Whitney, FT8 Pratt & Whitney, FT8	CT1 (2003)
EU – CT4A EU – CT4B	Combustion Turbine Units 4A and 4B (Simple Cycle) Generating Capacity: 60MW total MHDR: 300 MMBTU/hr each (natural gas combustion) 266 MMBTU/hr each (No. 2 oil combustion) Installation Date: 2001 Fuel Type: Natural Gas and No. 2 Fuel Oil	Pratt & Whitney, FT8 Pratt & Whitney, FT8	CT1 (2003)

Permit Condition (EU – CT1A through EU – CT4B) – 001

10 CSR 10-6.060

Construction Permits Required

Air Pollution Control Program Construction Permit #112001-007

Emissions Limitations:

- 1) Ameren UE – Peno Creek Energy Center (Ameren UE) shall emit into the atmosphere from all eight turbine engines (CT1A, CT1B, CT2A, CT2B, CT3A, CT3B, CT4A, and CT4B) no more than 100 tons of carbon monoxide (CO) in any consecutive 12-month period. (Special Condition #1)
- 2) Ameren UE shall emit into the atmosphere from all eight turbine engines (CT1A, CT1B, CT2A, CT2B, CT3A, CT3B, CT4A, and CT4B) no more than 100 tons of nitrogen oxides (NOx) in any consecutive 12-month period. (Special Condition #2)

Operational Limitation:

All natural gas and/or fuel oil combusted in the equipment covered with this permit shall have a sulfur content of 0.05 percent by weight or less. (Special Condition #3)

Control Equipment:

- 1) Ameren UE shall control CO emissions from each turbine engine using CO catalyst. The CO catalyst shall be operated and maintained in accordance to manufacturer's specifications at all times the turbine engines are in operation. (Special Condition #8)
- 2) Ameren UE shall control NOx emissions from each turbine engine using water injection. The water injection shall achieve a NOx emission rate of 25 parts per million by volume (ppmvd) corrected to 15 percent (%) oxygen on a dry basis when natural gas is burned in the combustion turbines. The water injection shall achieve a NOx emission rate of 42 parts per million by volume (ppmvd) corrected to 15 percent (%) oxygen on a dry basis when distillate oil is burned in the combustion turbines. The water injection shall be operated and maintained in accordance to manufacturer's specifications at all times the turbine engines are in operation. (Special Condition #9)

Continuous Emission Monitoring System (CEMS):

1. Ameren UE shall install, calibrate, maintain and operate continuous monitoring systems and record the output of the systems, for measuring CO and NOx, emissions discharged to the atmosphere. These systems shall be placed in an appropriate location on each turbine engine's flue gas exhaust such that accurate readings are possible. The output data from the CEMS shall be used in demonstrating compliance with Special Condition Nos. 1 and 2 (Emissions Limitations)
2. The CEMS (Continuous Emission Monitoring System (CEMS)) shall be installed and operated according to the guidelines in 40 CFR Part 75 for the NOx, and diluent CEMS requirements and according to the performance specification requirements of 40 CFR Part 60, Appendix B for CO.

Recordkeeping:

- 1) Ameren UE shall maintain the monthly and the sum of the most recent consecutive 12-month records of CO emissions from the eight turbine engines. Ameren UE shall use Attachment "B" *Monthly CO Emissions Tracking Records*, or an equivalent form to demonstrate compliance with Special Condition No. 1 (Emissions Limitations). These records shall be maintained on-site for five years and shall be made available for inspection to the Department of Natural Resources' personnel upon request. (Special Condition #4)
- 2) Ameren UE shall maintain the monthly and the sum of the most recent consecutive 12-month records of NOx emissions from the eight turbine engines. Ameren UE shall use Attachment "C" *Monthly NOx Emissions Tracking Records*, or an equivalent form to demonstrate compliance with Special Condition No. 2 (Emissions Limitations). These records shall be maintained on-site for five years and shall be made available for inspection to the Department of Natural Resources' personnel upon request. (Special Condition #5)

Reporting:

- 1) Ameren UE shall report to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than thirty days after the end of the month during which the *Monthly CO Emissions Tracking Records* (Attachment B) in Special Condition No. 1 (Recordkeeping) indicates that the source exceeded the emission limitation of Special Condition No. 1 (Emissions Limitations). (Special Condition #6)
- 2) Ameren UE shall report to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than thirty days after the end of the month during which the *Monthly NOx Emissions Tracking Records* (Attachment C) in Special Condition No. 2 (Recordkeeping) indicates that the source exceeded the emission limitation of Special Condition No. 2 (Emissions Limitations). (Special Condition #7)

Permit Condition (EU – CT1A through EU – CT4B) – 002

10 CSR 10-6.070

New Source Performance Regulations

40 CFR Part 60, Subpart GG

Standards of Performance for Stationary Gas Turbines

Alternative Monitoring and Testing Protocol Approval letter from EPA, dated May 31, 2002

Emission Limitation:

- 1) Stationary gas turbines using water or steam injection for control of NO_x emissions are exempt from paragraph 40 CFR §60.332(a) when ice fog is deemed a traffic hazard by the owner or operator of the gas turbine. [40 CFR §60.332(f)]

Ongoing Compliance Demonstration:

Pursuant to 40 CFR §60.13(i), EPA hereby approves the use of a NO_x CEMS in lieu of the water-to-fuel monitoring system, subject to the following conditions [EPA letter]:

- 1) Ameren UE-Peno Creek shall install, operate, maintain, and quality assure a NO_x and diluent CEMS, pursuant to 40 CFR Part 75, for each turbine.
- 2) Ameren UE-Peno Creek shall calculate and record an ISO-corrected NO_x emission rate each hour using the equation in 40 CFR §60.335(c)(1). If CO₂ is used as the diluent, then the NO_x concentration shall be corrected to an O₂ basis using the appropriate equations in 40 CFR Part 60, Appendix A, Reference Method 20, Section 7.
- 3) As an alternative to calculating and recording an ISO-corrected NO_x emission rate for each hour, Ameren UE-Peno Creek may perform a "worst case" ISO calculation, using the equation in §60.335(c)(1) to back calculate an observed NO_x concentration (NO_{xo}) at which the corresponding ISO corrected NO_x rate (NO_x) would exceed the Subpart GG standard. For the purpose of this calculation, Ameren UE-Peno Creek should substitute the maximum humidity of ambient air (H₀), minimum ambient temperature (T_a), and minimum combustor inlet absolute pressure (P₀) into the ISO adjustment equation.
- 4) Ameren UE-Peno Creek shall submit an excess emissions report to the MDNR Air Program consistent with the content found in 40 CFR 60.334(c) and the format and schedule described in 40 CFR 60.7(d). In place of 60.334(c)(1), Ameren-Peno Creek shall report each period during which 1) the ISO-corrected NO_x data exceed the applicable NSPS Subpart GG NO_x concentration data or 2) exceeds the "worst case" non-ISO corrected NO_x concentration determined in Paragraph 3 above. The excess emissions analysis shall be based on Part 75 "bias corrected" NO_x and diluent

concentration data, averaged over each 3-hour period (arithmetic average of three contiguous one hour periods), but shall exclude any data substituted by the Part 75 "missing data" routines.

Fuel Monitoring Requirements:

1) Requirements for Sulfur

a) While operating on natural gas: [60.334(h)(3)(ii)]

The owner or operator shall conduct representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 14.7 grains /100 scf. The owner or operator is meeting this requirement by documenting that the natural gas burned meets the definition of pipeline natural gas in accordance with section 2.3.1.4 of Appendix D of 40 CFR Part 75.

b) While operating on diesel fuel[60.334(i)(1)]:

For fuel oil, the owner or operator shall use one of the total sulfur sampling options and the associated sampling frequency described in sections 2.2.3, 2.2.4.1, 2.2.4.2, and 2.2.4.3 of Appendix D to 40 CFR Part 75 (*i.e.*, flow proportional sampling, daily sampling, sampling from the unit's storage tank after each addition of fuel to the tank, or sampling each delivery prior to combining it with fuel oil already in the intended storage tank).

2) Requirements for Nitrogen [EPA letter]:

Pursuant to 40 CFR §60.13(i), Ameren UE-Peno Creek shall not be required to sample the nitrogen content of the fuel, as long as the following conditions are met:

a) As described in its April 17, 2002 request, Ameren UE-Peno Creek agrees to accept a value of zero (0) for the fuel-bound nitrogen credit. As a result, no nitrogen sampling and analysis of the fuel is required.

3) For your protection and as a courtesy to the agency responsible for reviewing the excess emission reports, we suggest that Ameren UE-Peno Creek add a statement to each report reaffirming that no nitrogen sampling was performed pursuant to the agreement described herein.

Recordkeeping:

1) *Ice fog*. Each period during which an exemption provided in § 60.332(f) is in effect shall be reported in writing to the Administrator quarterly. For each period the ambient conditions existing during the period, the date and time the air pollution control system was deactivated, and the date and time the air pollution control system was reactivated shall be reported. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

2) *Emergency fuel*. Each period during which an exemption provided in § 60.332(k) is in effect shall be included in the report required in § 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.

3) All reports required under §60.7(c) shall be postmarked by the 30th day following the end of each calendar quarter.

Reporting:

1) Sulfur Excess Emission Reporting Ameren UE-Peno Creek shall submit an excess emissions report to the Missouri Department of Natural Resources consistent with the format and schedule described in 40 CFR §60.7(d). Since sulfur emissions from both the pipeline grade natural gas and low sulfur diesel fuel are expected to be at least an order of magnitude less than the NSPS Subpart GG fuel sulfur standards-Ameren UE-Peno Creek may submit the streamlined excess emission report provided for in §60.7(c)(4) and §60.7(d)(1). [EPA letter]

- 2) The permittee shall report to the Air Pollution Control Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than thirty days after any exceedance of any of the terms imposed by this regulation, or any malfunction which causes an exceedance of this regulation.

Permit Condition (EU – CT1A through EU – CT4B) – 003

10 CSR 10-6.350

Emission Limitations and Emissions Trading of Oxides of Nitrogen

Emission Limitation:

The permittee shall limit the emissions of nitrogen oxides (NO_x) from each emission unit, EU-CT1A through EU-CT4B, to no greater than 0.25 lbs NO_x/mmBtu during the control period¹. These emission units shall also comply with all applicable requirements contained in 10 CSR 10.350 (3)(B) during the control period¹.

Units CT1A through CT4B will be exempt from the requirements of 10 CSR 10-6.350 if a demonstration can be made, according the emission estimation methods contained in section (5)(E)1 of this rule, that they: 1) emit 25 tons or less of NO_x during the control period or 2) operate less than 400 hours per control period averaged over the 3 most recent years of operation.

Monitoring:

- 1) Compliance shall be measured during the control period.
- 2) Ameren UE shall install, calibrate maintain and operate the continuous monitoring system and record the output of the systems, for measuring NO_x, emissions discharged to the atmosphere. The output data from the CEMS that is used in demonstrating compliance with Special Condition Nos. 1 and 2 (Emissions Limitations) will be sufficient to demonstrate compliance with 10 CSR 10-6.350
- 3) The CEMS shall be operated according to the guidelines in 40 CFR Part 75 for the NO_x, and diluent CEMS requirements.

Recordkeeping:

- 1) Ameren UE shall maintain NO_x emissions records to determine 1) compliance of units CT1A through CT4B with 0.25 lbs NO_x/mmBtu averaged over the control period or 2) demonstrating the criteria, as set forth in 10 CSR 10-6.350 section (1)(B), for an exemption from the requirements of this rule. The permittee shall maintain records of the following:
 - a) Total fuel consumed during the control period;
 - b) The total heat input for each emissions unit during the control period;
 - c) Reports of all stack testing conducted to meet the requirements of 10 CSR 10-6.350;
 - d) All other data collected by a CEMS necessary to convert the monitoring data to the units of the applicable emission limitation;
 - e) All performance evaluations conducted in the past year;
 - f) All monitoring device calibration checks;
 - g) All monitoring system, monitoring device and performance testing measurements;
 - h) Records of adjustments and maintenance performed on monitoring systems and devices; and
 - i) A log identifying each period during which the CEMS or alternate procedure was inoperative, except for zero (0) and span checks, and the nature of the repairs and adjustments performed to make the system operative.

Reporting:

Ameren UE shall submit a compliance certification report to the Air Pollution Control Program for each affected unit by October 31 following each control period.

Permit Condition (EU – CT1A through EU – CT4B) – 004

10 CSR 10-6.270

Acid Rain Source Permits Required

Emission Limitation:

The permittee shall obtain an Acid Rain Source Permit for EU-CT1A through EU-CT4B pursuant to Title IV of the Clean Air Act. The acid rain permit is being issued as part of this Part 70 operating permit.

Monitoring/Recordkeeping:

The permittee shall retain the most current acid rain permit issued to this installation on-site and shall immediately make such permit available to any Missouri Department of Natural Resources' personnel upon request.

IV. Core Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

10 CSR 10-6.050 Start-up, Shutdown and Malfunction Conditions

- 1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the director within two business days, in writing, the following information:
 - a) Name and location of installation;
 - b) Name and telephone number of person responsible for the installation;
 - c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
 - d) Identity of the equipment causing the excess emissions;
 - e) Time and duration of the period of excess emissions;
 - f) Cause of the excess emissions;
 - g) Air pollutants involved;
 - h) Best estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;
 - i) Measures taken to mitigate the extent and duration of the excess emissions; and
 - j) Measures taken to remedy the situation that caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.
- 2) The permittee shall submit the paragraph 1 information list to the director in writing at least ten days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed one hour. If notice of the event cannot be given ten days prior to the planned occurrence, it shall be given as soon as practicable prior to the release. If an unplanned excess release of emissions exceeding one hour occurs during maintenance, start-up or shutdown, the director shall be notified verbally as soon as practical during normal working hours and no later than the close of business of the following working day. A written notice shall follow within ten working days.
- 3) Upon receipt of a notice of excess emissions issued by an agency holding a certificate of authority under section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the paragraph 1 list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.
- 4) Nothing in this rule shall be construed to limit the authority of the director or commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.
- 5) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

10 CSR 10-6.060 Construction Permits Required

The permittee shall not commence construction, modification, or major modification of any installation subject to this rule, begin operation after that construction, modification, or major modification, or begin operation of any installation which has been shut down longer than five years without first obtaining a permit from the permitting authority.

10 CSR 10-6.065 Operating Permits

The permittee shall file a complete application for renewal of this operating permit at least six months before the date of permit expiration. In no event shall this time be greater than eighteen months. [10 CSR 10-6.065(6)(B)1.A(V)] The permittee shall retain the most current operating permit issued to this installation on-site. [10 CSR 10-6.065(6)(C)1.C(II)] The permittee shall immediately make such permit available to any Missouri Department of Natural Resources personnel upon request. [10 CSR 10-6.065(6)(C)3.B]

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

- 1) The permittee shall complete and submit an Emission Inventory Questionnaire (EIQ) in accordance with the requirements outlined in this rule.
- 2) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079 to satisfy the requirements of the Federal Clean Air Act, Title V.
- 3) The fees shall be due April 1 each year for emissions produced during the previous calendar year. The fees shall be payable to the Department of Natural Resources and shall be accompanied by the Emissions Inventory Questionnaire (EIQ) form or equivalent approved by the director.

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential

This rule specifies the conditions that establish an air pollution alert (yellow/orange/red/purple), or emergency (maroon) and the associated procedures and emission reduction objectives for dealing with each. The permittee shall submit an appropriate emergency plan if required by the Director.

10 CSR 10-6.150 Circumvention

The permittee shall not cause or permit the installation or use of any device or any other means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

- 1) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.
- 2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.

- 3) Should it be determined that noncompliance has occurred, the director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
 - a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
 - b) Paving or frequent cleaning of roads, driveways and parking lots;
 - c) Application of dust-free surfaces;
 - d) Application of water; and
 - e) Planting and maintenance of vegetative ground cover.

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

- 1) The director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The director may specify testing methods to be used in accordance with good professional practice. The director may observe the testing. Qualified personnel shall perform all tests.
- 2) The director may conduct tests of emissions of air contaminants from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- 3) The director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

10 CSR 10-3.030 Open Burning Restrictions

- 1) The permittee shall not conduct, cause, permit or allow a salvage operation, the disposal of trade wastes or burning of refuse by open burning.
- 2) Exception - Open burning of trade waste or vegetation may be permitted only when it can be shown that open burning is the only feasible method of disposal or an emergency exists which requires open burning.
- 3) Any person intending to engage in open burning shall file a request to do so with the director. The request shall include the following:
 - a) The name, address and telephone number of the person submitting the application; The type of business or activity involved; A description of the proposed equipment and operating practices, the type, quantity and composition of trade wastes and expected composition and amount of air contaminants to be released to the atmosphere where known;
 - b) The schedule of burning operations;
 - c) The exact location where open burning will be used to dispose of the trade wastes;
 - d) Reasons why no method other than open burning is feasible; and
 - e) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.
- 4) Upon approval of the open burning permit application by the director, the person may proceed with the operation under the terms of the open burning permit. Be aware that such approval shall not exempt Peno Creek Energy Center from the provisions of any other law, ordinance or regulation.
- 5) The permittee shall maintain files with letters from the director approving the open burning operation and previous DNR inspection reports.

10 CSR 10-3.090 Restriction of Emission of Odors

No person may cause, permit or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one volume of odorous air is diluted with seven volumes of odor-free air for two separate trials not less than 15 minutes apart within the period of one hour.

This requirement is not federally enforceable.

10 CSR 10-6.100 Alternate Emission Limits

Proposals for alternate emission limitations shall be submitted on Alternate Emission Limits Permit forms provided by the department. An installation owner or operator must obtain an Alternate Emission Limits Permit in accordance with 10 CSR 10-6.100 before alternate emission limits may become effective.

- 1) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.
- 2) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification, and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants and 40 CFR Part 61 Subpart M National Emission Standard for Asbestos

- 1) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.
- 2) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification, and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

10 CSR 10-6.250 Asbestos Abatement Projects – Certification, Accreditation, and Business Exemption Requirements

The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6.250. This rule requires individuals who work in asbestos abatement projects to be certified by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos abatement projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos abatement occupations must first obtain accreditation from the department. Certain business entities that meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos abatement.

Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance

- must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
- b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
 - d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
- a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
 - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
 - e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
 - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.
- 4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR part 82*

10 CSR 10-6.280 Compliance Monitoring Usage

- 1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Any other monitoring methods approved by the director.

- 2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Compliance test methods specified in the rule cited as the authority for the emission limitations.
- 3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
 - a) Applicable monitoring or testing methods, cited in:
 - i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
 - ii) 10 CSR 10-6.040, "Reference Methods";
 - iii) 10 CSR 10-6.070, "New Source Performance Standards";
 - iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
 - b) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method listed above.

V. General Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued,

10 CSR 10-6.065(6)(C)1.B Permit Duration

This permit is issued for a term of five years, commencing on the date of issuance. This permit will expire at the end of this period unless renewed.

10 CSR 10-6.065(6)(C)1.C General Recordkeeping and Reporting Requirements

1) Recordkeeping

- a) All required monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report or application.
- b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made immediately available to any Missouri Department of Natural Resources' personnel upon request.

2) Reporting

- a) All reports shall be submitted to the Air Pollution Control Program, Enforcement Section, P. O. Box 176, Jefferson City, MO 65102.
- b) The permittee shall submit a report of all required monitoring by:
 - i) October 1st for monitoring which covers the January through June time period, and
 - ii) April 1st for monitoring which covers the July through December time period.
 - iii) Exception. Monitoring requirements which require reporting more frequently than semi annually shall report no later than 30 days after the end of the calendar quarter in which the measurements were taken.
- c) Each report shall identify any deviations from emission limitations, monitoring, recordkeeping, reporting, or any other requirements of the permit, this includes deviations or Part 64 exceedances.
- d) Submit supplemental reports as required or as needed. Supplemental reports are required no later than ten days after any exceedance of any applicable rule, regulation or other restriction. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
 - i) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7.A of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.
 - ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.

- iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in this permit.
- e) Every report submitted shall be certified by the responsible official, except that, if a report of a deviation must be submitted within ten days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten days after that, together with any corrected or supplemental information required concerning the deviation.
- f) The permittee may request confidential treatment of information submitted in any report of deviation.

10 CSR 10-6.065(6)(C)1.D Risk Management Plan Under Section 112(r)

The permittee shall comply with the requirements of 40 CFR Part 68, Accidental Release Prevention Requirements. If the permittee has more than a threshold quantity of a regulated substance in process, as determined by 40 CFR Section 68.115, the permittee shall submit a Risk Management Plan in accordance with 40 CFR Part 68 no later than the latest of the following dates:

- 1) June 21, 1999;
- 2) Three years after the date on which a regulated substance is first listed under 40 CFR Section 68.130; or
- 3) The date on which a regulated substance is first present above a threshold quantity in a process.

10 CSR 10-6.065(6)(C)1.E Title IV Allowances

This permit prohibits emissions which exceed any allowances the installation holds under Title IV of the Clean Air Act.

No permit revisions shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program if the increases do not require a permit revision under any other applicable requirement.

Limits cannot be placed on the number of allowances that may be held by an installation. The installation may not use these allowances, however, as a defense for noncompliance with any other applicable requirement.

Any allowances held by a Title IV installation shall be accounted for according to procedures established in rules promulgated under Title IV of the Clean Air Act.

The Title IV Acid Rain Permit for this installation is contained within this Operating Permit.

10 CSR 10-6.065(6)(C)1.F Severability Clause

In the event of a successful challenge to any part of this permit, all uncontested permit conditions shall continue to be in force. All terms and conditions of this permit remain in effect pending any administrative or judicial challenge to any portion of the permit. If any provision of this permit is invalidated, the permittee shall comply with all other provisions of the permit.

10 CSR 10-6.065(6)(C)1.G General Requirements

- 1) The permittee must comply with all of the terms and conditions of this permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, permit

termination, permit revocation and re-issuance, permit modification or denial of a permit renewal application.

- 2) The permittee may not use as a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit
- 3) The permit may be modified, revoked, reopened, reissued or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 4) This permit does not convey any property rights of any sort, nor grant any exclusive privilege.
- 5) The permittee shall furnish to the Air Pollution Control Program, upon receipt of a written request and within a reasonable time, any information that the Air Pollution Control Program reasonably may require to determine whether cause exists for modifying, reopening, reissuing or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the Air Pollution Control Program copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 10 CSR 10-6.065(6)(C)1.

10 CSR 10-6.065(6)(C)1.H Incentive Programs Not Requiring Permit Revisions

No permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in this permit.

10 CSR 10-6.065(6)(C)3 Compliance Requirements

- 1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
- 2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
 - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
 - d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
- 3) All progress reports required under an applicable schedule of compliance shall be submitted semiannually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
 - a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
 - b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.

- 4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted annually by April 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, as well as the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102. All deviations and Part 64 exceedances and excursions must be included in the compliance certifications. The compliance certification shall include the following:
- a) The identification of each term or condition of the permit that is the basis of the certification;
 - b) The current compliance status, as shown by monitoring data and other information reasonably available to the installation;
 - c) Whether compliance was continuous or intermittent;
 - d) The method(s) used for determining the compliance status of the installation, both currently and over the reporting period; and
 - e) Such other facts as the Air Pollution Control Program will require in order to determine the compliance status of this installation.

10 CSR 10-6.065(6)(C)6 Permit Shield

- 1) Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date that this permit is issued, provided that:
 - a) The application requirements are included and specifically identified in this permit, or
 - b) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation, and this permit expressly includes that determination or a concise summary of it.
- 2) Be aware that there are exceptions to this permit protection. The permit shield does not affect the following:
 - a) The provisions of section 303 of the Act or section 643.090, RSMo concerning emergency orders,
 - b) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance,
 - c) The applicable requirements of the acid rain program,
 - d) The authority of the Environmental Protection Agency and the Air Pollution Control Program of the Missouri Department of Natural Resources to obtain information, or
 - e) Any other permit or extra-permit provisions, terms or conditions expressly excluded from the permit shield provisions.

10 CSR 10-6.065(6)(C)7 Emergency Provisions

- 1) An emergency or upset as defined in 10 CSR 10-6.065(6)(C)7.A shall constitute an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:
 - a) That an emergency or upset occurred and that the permittee can identify the source of the emergency or upset,
 - b) That the installation was being operated properly,
 - c) That the permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or requirements in this permit, and

- d) That the permittee submitted notice of the emergency to the Air Pollution Control Program within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.
- 2) Be aware that an emergency or upset shall not include noncompliance caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

10 CSR 10-6.065(6)(C)8 Operational Flexibility

An installation that has been issued a Part 70 operating permit is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described below if the changes are not Title I modifications, the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The permittee shall notify the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, at least seven days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

- 1) Section 502(b)(10) changes. Changes that, under section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting or compliance requirements of the permit.
 - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, describing the changes to be made, the date on which the change will occur, and any changes in emission and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the APCP shall place a copy with the permit in the public file. Written notice shall be provided to the EPA and the APCP as above at least seven days before the change is to be made. If less than seven days notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the EPA and the APCP as soon as possible after learning of the need to make the change.
 - b) The permit shield shall not apply to these changes.

10 CSR 10-6.065(6)(C)9 Off-Permit Changes

- 1) Except as noted below, the permittee may make any change in its permitted operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Insignificant activities listed in the application, but not otherwise addressed in or prohibited by this permit, shall not be considered to be constrained by this permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:
 - a) The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; the permittee may not change a permitted installation without a permit revision if this change is subject to any requirements under Title IV of the Act or is a Title I modification;

- b) The permittee must provide written notice of the change to the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, no later than the next annual emissions report. This notice shall not be required for changes that are insignificant activities under 10 CSR 10-6.065(6)(B)3. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change.
- c) The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes; and
- d) The permit shield shall not apply to these changes.

10 CSR 10-6.020(2)(R)12 Responsible Official

The application utilized in the preparation of this was signed by Michael L. Menne, Vice President – Environmental, Safety and Health. The parent company, Ameren UE, has designated the following four individuals to serve as Responsible Officials for the Peno Creek Energy Center: Dan Cole -- Senior Vice President Administration; Jack W. Scott – Director CTG Fleet; Michael L. Menne -- Vice President Environmental, Safety and Health, Ameren Services, and Matthew T. Wallace, Manager – CTG Operations, Ameren UE. If any of these individuals terminates employment, or is reassigned different duties such that a different person becomes a responsible person to represent and bind the installation in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the Director of the Air Pollution Control Program of the change. Said notification shall be in writing and shall be submitted within 30 days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the installation in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person(s) that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the installation until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

10 CSR 10-6.065(6)(E)6 Reopening-Permit for Cause

This permit may be reopened for cause if:

- 1) The Missouri Department of Natural Resources (MDNR) receives notice from the Environmental Protection Agency (EPA) that a petition for disapproval of a permit pursuant to 40 CFR § 70.8(d) has been granted, provided that the reopening may be stayed pending judicial review of that determination,
- 2) MDNR or EPA determines that the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,
- 3) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
 - a) The permit has a remaining term of less than three years;
 - b) The effective date of the requirement is later than the date on which the permit is due to expire;
 - or
 - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,

- 4) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements), become applicable to that source, provided that, upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit; or
- 5) MDNR or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

10 CSR 10-6.065(6)(E)1.C Statement of Basis
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This permit is accompanied by a statement setting forth the legal and factual basis for the draft permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit.

VI. Attachments

Attachments follow.

Attachment A

10 CSR 10-6.060

Monthly CO Compliance Worksheet

Ameren UE- Peno Creek Energy Center
Pike County, SW 1/4, NE 1/4, S22, T53N, R3W
Installation ID Number: 163-0047

This sheet covers the period from _____ to _____.
(month, year) (month, year)

Emission Unit	Hours of Operation (hours)	Type of Fuel (note 1)	Emission Rate (lbs/hr) (note 2)	CO Emissions (tons) (note 3)
CT1A				
CT1B				
CT2A				
CT2B				
CT3A				
CT3B				
CT4A				
CT4B				
Total CO Emissions for this Month (note 4)				
12-Month CO Emissions Total From Previous Month's Worksheet (note 5)				
Monthly CO Emissions Total From Previous Year's Worksheet (note 6)				
Current 12-Month Total CO Emissions (note 7)				

Note 1: Type of fuel will either be natural gas or distillate oil.

Note 2: Emission rate will be based upon the type of fuel.

Note 3: Monthly CO emissions will be based upon CEMS data. In cases when CEMS data is not available, CO Emissions = [(hours of operation)•(emission rate)]/2000

Note 4: Sum of CO emissions reported for all combustion turbines for the month.

Note 5: Running 12-month total CO emissions from the previous month's worksheet.

Note 6: CO emissions reported for this month in the last calendar year.

Note 7: Amount reported for Note 5 minus the amount reported for note 6 plus the amount reported for note 4, not to exceed 100.0 tons for any consecutive 12-month period.

Attachment B

10 CSR 10 -6.060

Monthly NO_x Compliance Worksheet

Ameren UE- Peno Creek Energy Center
Pike County, SW 1/4, NE 1/4, S22, T53N, R3W
Installation ID Number: 163-0047

This sheet covers the period from _____ to _____.
(month, year) (month, year)

Emission Unit	Hours of Operation (hours)	Type of Fuel (note 1)	Emission Rate (lbs/hr) (note 2)	NO _x Emissions (tons) (note 3)
CT1A				
CT1B				
CT2A				
CT2B				
CT3A				
CT3B				
CT4A				
CT4B				
Total NO _x Emissions for this Month (note 4)				
12-Month NO _x Emissions Total From Previous Month's Worksheet (note 5)				
Monthly NO _x Emissions Total From Previous Year's Worksheet (note 6)				
Current 12-Month Total NO _x Emissions (note 7)				

Note 1: Type of fuel will either be natural gas or distillate oil.

Note 2: Emission rate will be based upon the type of fuel.

Note 3: Monthly NO_x emissions will be based upon CEMS data. In cases when CEMS data is not available, NO_x Emissions = [(hours of operation)•(emission rate)]/2000

Note 4: Sum of NO_x emissions reported for all combustion turbines for the month.

Note 5: Running 12-month total NO_x emissions from the previous month's worksheet.

Note 6: NO_x emissions reported for this month in the last calendar year.

Note 7: Amount reported for Note 5 minus the amount reported for note 6 plus the amount reported for note 4, not to exceed 100.0 tons for any consecutive 12-month period.

STATEMENT OF BASIS

Permit Reference Documents

These documents were relied upon in the preparation of the operating permit. Because they are not incorporated by reference, they are not an official part of the operating permit.

- 1) Part 70 Operating Permit Application, received April 14, 2003;
- 2) 2003 Emissions Inventory Questionnaire, received April 2, 2004;
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition.

Applicable Requirements Included in the Operating Permit but Not in the Application or Previous Operating Permits

In the operating permit application, the installation indicated they were not subject to the following regulation(s). However, in the review of the application, the agency has determined that the installation is subject to the following regulation(s) for the reasons stated.

10 CSR 10-6.180, *Measurement of Emissions of Air Contaminants*, was included. This regulation allows the director to request tests or measurements to be conducted of an emission source to determine the quantity of emission of air contaminants.

Other Air Regulations Determined Not to Apply to the Operating Permit

The Air Pollution Control Program (APCP) has determined the following requirements to not be applicable to this installation at this time for the reasons stated.

10 CSR 10-3.080, *Restriction of Emission of Visible Air Contaminants*

The applicant indicated they were subject to this rule. However, 10 CSR 10-3.080 was rescinded from Chapter 3 and the state opacity requirements were incorporated in 10 CSR 10-6.220 under Chapter 6 of the Air Pollution regulations.

10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*

This rule exempts emissions sources that are subject to 40 CFR Part 60 (NSPS). Peno Creek Energy Center is subject to 40 CFR Part 60 subpart GG, Standards of Performance for Stationary Gas Turbines and therefore exempt from this rule

10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*

The permittee qualifies for the exemption in §(1)(A) of this rule since 10 CSR 10-6.070, *New Source Performance Regulations, Subpart GG* applies to this installation and places limits on emissions of sulfur dioxide (SO_x).

10 CSR 10-6.360, *Control of NO_x Emissions from Electric Generating Units and Nonelectric Generating Boilers*

The permittee qualifies for the exemption in 6.360(1)(C), since these units have a federally enforceable condition restricting them to burning only natural gas or fuel oil.

Construction Permit Revisions

The following revisions were made to construction permits for this installation:

Construction Permit #112001-007

- 1) The construction permit required that deviations/exceedances be reported within ten days. The applicant requested 30 days instead, stating that it takes them more than ten days to fully investigate the causes of a deviation and report on it. The regulations require "prompt" reporting, but leave it to the regulatory agency to specify the exact time period. APCP usually specifies ten days, but there is no reason not to extend this to 30 days in this case. This operating permit now specifies 30 days, superseding the ten days specified in the construction permit.
- 2) Special Conditions 10 through 13 contain provisions for performance testing. These are one time requirements and were not included in the Operating Permit because they have been satisfied. In July 2002, compliance testing was performed at this installation. The test was accepted by the APCP on November 26, 2002. The testing established the following emission factors for VOC, PM₁₀, and formaldehyde. These emission factors shall be used for reporting emissions of VOC, PM₁₀, and formaldehyde.

Natural Gas Fired Emissions Factors						
Unit Tested	PM ₁₀		VOC		Formaldehyde*	
	Lb/hr	Lb/MMBtu	Lb/hr	Lb/MMBtu	Lb/hr	Lb/MMBtu
2A	2.89	0.0125	2.1	0.0095	<0.16	<0.00067
2B	2.55	0.0102	0.81	0.0082	<0.18	<0.00073
Twin Pac 2	5.44	N/A	2.91	N/A	<0.34	N/A
Facility Total	21.76	N/A	11.64	N/A	<1.36	N/A

*All formaldehyde samples were below the detection limit. Therefore, formaldehyde emission rates must be considered the maximum possible values, rather than actual quantifications.

Fuel Oil Fired Emissions Factors				
Unit Tested	PM ₁₀		VOC	
	Lb/hr	Lb/MMBtu	Lb/hr	Lb/MMBtu
3A	12.73	0.051	0.05	0.0006
3B	12.3	0.052	0.05	0.0006
Twin Pac 3	25.03	N/A	0.1	N/A
Facility Total	100.12	N/A	0.4	N/A

NSPS Applicability

10 CSR 10-6.070, *New Source Performance Regulations*

40 CFR Part 60 Subpart GG, *Standards of Performance for Stationary Gas Turbines*

1) NO_x Limitations

The nitrogen oxides (NO_x) emission limit established in New Source Review Permit #112001-007 supersedes the NO_x emission limit established in Subpart GG. Calculations demonstrate that the NO_x emission limit is lower than the Subpart GG NO_x Emission Limit. The combustion turbines are subject to the requirements of §60.332(a)(1) of 40 CFR Part 60 Subpart GG. However, since the NO_x emission standard of Subpart GG (152 ppmv when burning natural gas at 15% O₂ dry basis as determined by §60.332(a)(1)) is less stringent than the NO_x emission limit imposed by New Source Review Permit #112001-007, the NSPS §60.332(a)(1) standard is not listed as a permit condition to these units. Compliance with the NO_x limit imposed by the New Source Review permit will assure compliance with the §60.332(a)(1) standard.

Per 40 CFR 60.332(b), stationary gas turbines with a heat input load equal to or greater than 107.2 gigajoules per hour (100 MMBtu/hr) have a NO_x limit determined by the following equation:

$$STD = (0.0075)(14.4/Y) + F$$

Where:

STD = allowable NO_x emissions (% by volume at 15 percent oxygen and on a dry basis), and

Y = manufacture's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt-hour.

Given: Manufacture's Rated Heat Rate = 10,000 Btu/kW-hr

$$Y = (10,000 \text{ Btu/kW hr}) (1.0548 \text{ kJ/Btu}) (1 \text{ kW}/1000 \text{ W}) = 10.548 \text{ kJ/Whr}$$

F = NO_x emission allowance for fuel bound nitrogen as defined in the following table:

Fuel-Bound Nitrogen	
% (percent by weight)	F (NO _x percent by volume)
N < 0.015	0
0.015 < N < 0.1	0.04 x N
0.1 < N < 0.25	0.004 + 0.0067 X (N - 0.1)
N > 0.25	0.005

N = the nitrogen content of the fuel (percent by weight)

F = 0.005 (Given that nitrogen percent by weight of natural gas ranges from 0.6 - 5.0%)

STD (NO_x Emission Limit) Calculation

$$\begin{aligned} STD &= (0.0075)(14.4/Y) + F \\ &= (0.0075)(14.4/10.548) + 0.005 \\ &= 0.0152 \% \text{ or } 152 \text{ ppmv NO}_x \text{ at } 15 \% \text{ oxygen} \end{aligned}$$

The New Source Review Permit limitation of 25 ppmv of NO_x is less than the NSPS limitation of 152 ppmv NO_x. Therefore, because the installation meets the permit limitation of 25 ppmv NO_x limitation, the limitation contained within Subpart GG is also satisfied.

2) SO_x Limitations

The sulfur oxides (SO_x) emission limit established in New Source Review Permit #112001-007 supersedes the SO_x emission limit established in Subpart GG. The New Source Review Permit requires the installation to use fuel with a 0.05% sulfur content or less. The NSPS requires a sulfur content of 0.8% or less. Therefore, compliance with the New Source Review Permit limitation assures compliance with the limitation in Subpart GG.

40 CFR Part 60, Subpart Kb, *Standards of Performance for Volatile Organic Storage Vessels for (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.*

The tank has a capacity of 1.3 million gallons. This regulation does not apply to storage vessels with a capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa). Fuel oil vapor pressure is significantly less than 3.5 kPa.

MACT Applicability

The New Source Review Permit contains NO_x and CO emissions limited of 100 tons per year or less. Due to these limitations, the facility is indirectly limited to below major HAP emissions. The estimated potential emission of formaldehyde is 1.4 tons per year.

NESHAP Applicability

None applicable.

CAM Applicability

40 CFR Part 64, *Compliance Assurance Monitoring (CAM)*

The CAM rule applies to each pollutant specific emission unit that meets all of the following:

- 1) Is subject to an emission limitation or standard, and
- 2) Uses a control device to achieve compliance, and
- 3) Has pre-control emissions that exceed or are equivalent to the major source threshold.

40 CFR Part 64 is not applicable because this installation is limited by permit conditions such that emissions from the installation are below the major source threshold.

Other Regulatory Determinations

10 CSR 10-6.350, *Emissions Limitations and Emissions Trading of Oxides of Nitrogen*.

10 CSR 10-6.350 currently has two versions of the rule. 10 CSR 10-6.350 was originally filed on February 15, 2000. On December 4, 2002 the Air Pollution Control Program filed amendments to the February 15, 2000 version of the rule. The rule amendment of December 4, 2002 was presented to the Missouri Air Conservation Commission on April 24, 2003 and it was adopted by the commission. This amendment establishes a tighter emission limitation (from 0.25 lb/MMBtu to 0.18 lb/MMBtu) for affected sources located in the City of St. Louis and counties of Franklin, Jefferson, and St. Louis. The revised rule did not change any emission limitations for the remaining sources within the eastern one-third of Missouri. These NO_x sources are still limited to the more stringent rate of 0.25 lbs NO_x/MMBtu of heat input in the eastern one-third of Missouri during the control period or any applicable permitted NO_x limitation under 10 CSR 10-6.060. Each combustion turbine is limited in the construction permit to 25 parts per million by volume, dry (ppmvd) or 0.093 lb.NO_x/MMBtu, when combusting natural gas, and 42 ppmvd or 0.16 lb NO_x/MMBtu when combusting distillate oil. The construction permit limits are more restrictive than 0.25 lb NO_x/MMBtu.

Concentration Conversion from ppmv to pounds of NO_x per MMBtu of heat input:

- 1) Multiply by 1.194 x 10⁻⁷ (conversion to lb NO_x /dscf from 40 CFR Part 60 App. A, Method 20)
 - 2) Multiply by dry F factor (ratio of gas volume of products of combustion to heat content of fuel):
 - a) 9,190 dscf/mmBtu for crude, residual or distillate oil
 - b) 8,710 dscf/mmBtu for natural gas, propane or butane
 - 3) Multiply by 20.9, then divide by 5.9 (correction to 15% oxygen, from Equation 20-6 in 40 CFR Part 60 App. A, Method 20) to obtain mass emission rate E
- For example, a natural gas unit with a CP limit of 25ppmv:

$$\text{Emission Rate} = (25 \text{ ppmv})(1.194 \times 10^{-7}) \frac{2.985 \times 10^{-6} \text{ lbNO}_x}{\text{dscf}} \times \frac{8710 \text{ dscf}}{\text{mmBtu}} \times \frac{20.9}{20.9 - 15} = 0.092 \frac{\text{lbNO}_x}{\text{mmBtu}}$$

Other Regulations Not Cited in the Operating Permit or the Above Statement of Basis

Any regulation which is not specifically listed in either the Operating Permit or in the above Statement of Basis does not appear, based on this review, to be an applicable requirement for this installation for one or more of the following reasons:

- 1) The specific pollutant regulated by that rule is not emitted by the installation;
- 2) The installation is not in the source category regulated by that rule;
- 3) The installation is not in the county or specific area that is regulated under the authority of that rule;
- 4) The installation does not contain the type of emission unit which is regulated by that rule;
- 5) The rule is only for administrative purposes.

Should a later determination conclude that the installation is subject to one or more of the regulations cited in this Statement of Basis or other regulations which were not cited, the installation shall determine and demonstrate, to the APCP's satisfaction, the installation's compliance with that regulation(s). If the installation is not in compliance with a regulation which was not previously cited, the installation shall submit to the APCP a schedule for achieving compliance for that regulation(s).

Prepared by:



Nicole Voyles
Environmental Engineer

TITLE IV: ACID RAIN PERMIT

In accordance with Titles IV and V of the Clean Air Act and Missouri State Rule 10 CSR 10-6.270, *Acid Rain Source Permits Required*, the State of Missouri issues this Acid Rain Permit.

Installation Name: Peno Creek Energy Center, ORIS Code: 7964
Project Number: 2003-04-092, **Permit Number:** OP2006-101
Unit IDs: CT1A, CT1B, CT2A, CT2B, CT3A, CT3B, CT4A, CT4B
Effective Dates: January 1, 2006 through December 31, 2010

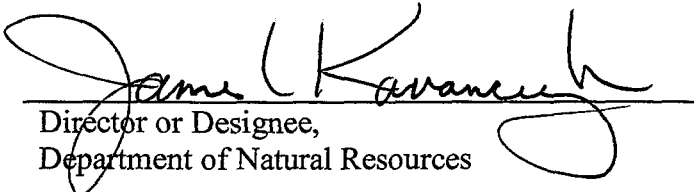
The permit application submitted for this source, as corrected by the State of Missouri Department of Natural Resources (MDNR), Air Pollution Control Program (APCP), Operating Permit Section, is attached. The owners and operators of this source must comply with the standard requirements and special provisions set forth in this application.

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by the United States Environmental Protection Agency. Pursuant to 40 CFR 72.84, *Automatic permit amendment*, this does not necessitate a revision to any unit SO₂ allowance allocations identified in this permit.

These units do not combust coal and are not subject to the Nitrogen Oxides Emission Reduction Program found in 40 CFR part 76.

This acid rain permit is effective for the five-year period shown above, per 40 CFR 72.69, *Issuance and effective date of acid rain permits*. The designated representative must submit an application for renewal of this permit no later than June 30, 2011, per 40 CFR 72.30, *Requirement to apply*, and in conjunction with the operating permit renewal application.

Date



Director or Designee,
Department of Natural Resources



OMB No. 2060-0258

Acid Rain Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31

This submission is: ☒ **New** ☐ **Revised**

STEP 1

Identify the source by plant name, State, and ORIS code.

Plant Name Peno Creek State MO ORIS Code 7964

STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a." For new units, enter the requested information in columns "c" and "d."

[illegible]



Plant Name (from Step 1) Peno Creek

STEP 3

**Read the
standard
requirements**

Permit Requirements

- (1) The designated representative of each affected source and each affected unit at the source shall:
 - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
 - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain Permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit.



Plant Name (from Step 1) Peno Creek

Acid Rain - Page 3

STEP 3,
Cont'd.

Nitrogen Oxides Requirements The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
 - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.



Plant Name (from Step 1) Peno Creek

Step 3,
Cont'd.

Liability, Cont'd.

(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Certification

Read the
certification
statement,
sign, and
date

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.



Air Pollution Control Program